

REMARKS

Claims 1, 3-7 and 9-13 are pending in this application. By this Amendment, claims 1 and 13 are amended. The amendments to claims 1 and 13 are made to incorporate the subject matter recited in now-canceled claims 2 and 8. No new matter is added. Claims 2 and 8 are canceled without prejudice to, or disclaimer of, the subject matter recited those claims. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Shepard during the January 26, 2010 telephone interview. Applicants' separate record of the substance of the telephone interview is incorporated into the following remarks.

The Office Action rejects claims 1, 2, 5, 7-9 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0014767 to Stumphauzer in view of U.S. Patent Application Publication No. 2002/0194600 to Ellis et al. (hereinafter "Ellis"). The Office Action also: (i) rejects claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Stumphauzer in view of Ellis and further in view of U.S. Patent No. 7,065,709 to Ellis et al. (hereinafter "Ellis '709"); (ii) rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Stumphauzer in view of Ellis and further in view of U.S. Patent No. 6,005,565 to Legall et al. (hereinafter "Legall"); and (iii) rejects claims 10-12

under 35 U.S.C. §103(a) as being unpatentable over Stumphauzer in view of Ellis and further in view of U.S. Patent Application Publication No. 2004/0015906 to Goraya. These rejections are respectfully traversed.

Claim 1 recites, among other features, a condition input unit for accepting an entry operation of a search condition that is a keyword concerning at least one of a program name, cast, and program detail information. Claim 13 recites similar features.

Stumphauzer is directed to a system and method that automatically plays programming selections corresponding to a user's preferences, as specified in a playlist (Abstract). The Office Action asserts that Stumphauzer teaches many of the features recited in at least independent claims 1 and 13, but concedes that Stumphauzer fails to teach that the sequence is presented so that the user may choose a preferred program from the presented plurality of programs. The Office Action relies on Ellis, in its disclosure of an electronic television program guide schedule system, to make up for the shortfall in Stumphauzer.

Ellis is directed to an electronic program schedule system that utilizes a receiver for receiving broadcast, satellite or cablecast television programs for a plurality of television channels and a tuner for tuning a television receiver to a selected one of the plurality of channels (Abstract). The Office Action asserts that Ellis, at paragraphs [0065] and [0068], teaches features that correspond to the claimed program search that presents a plurality of programs that match the search condition and that are contained in the received digital broadcast to a user for a predetermined time and in a sequence so that the user may choose a preferred program from the presented plurality of programs. Ellis teaches in these paragraphs that, in a FLIP mode, a data processor will cause a tuner to tune a channel one higher or one lower than the currently-tuned channel, or start channel, when initiating a scan. After a preset period of time, the system will tune the next highest or lowest channel and the corresponding program information will be displayed. After another period of time, the next highest or

lowest channel in sequence will be tuned, and so on. Ellis further teaches that if the user wishes to cause the tuner to stop the scan and remain tuned to the channel currently tuned during the scan, the user may deactivate the scan and proceed to view the selected program.

The Office Action asserts that it would have been obvious to one of ordinary skill to have modified Stumphauzer to add the scan stopping taught by Ellis to give a user more control over the automated search feature and allow for the user to continue listening to a song if they like it, regardless of whether the system thinks the song is a good match or not.

Because claims 1 and 13 are amended to incorporate the subject matter recited in now-canceled claim 8, the remainder of these remarks will be directed to the rejection of claim 8. The Office Action asserts that Stumphauzer, in paragraph [0028], teaches features that correspond to the claimed condition input unit that has a keyword input into it. This analysis is unreasonable because Stumphauzer, in paragraph [0028], teaches that a user specifies what selection the user would like to hear, and that the selections can be, not only specific songs or programs, but also features or characteristics of music, artists or new programs. Stumphauzer provides many examples of what a selection could be, but does not indicate the selection is made by any keyword input.

Stumphauzer, in paragraph [0021], teaches that numerous channels of programming are transmitted from a satellite and clustered along with transmitted information about a channel that contains program descriptive text or PDT. The PDT contains, for example, information about the programming currently being broadcast and to be broadcast on each channel. A user in Stumphauzer may create a playlist that is based on music, artists, genre, etc., as provided in the PDT that is transmitted along with the data cluster. There is nothing, however, in Stumphauzer that indicates that a user may conduct a word search via an input keyword to develop its playlist. Stumphauzer, at paragraph [0031], teaches that a user could

also add songs to a playlist by hitting a button on a receiver to have that song added to a playlist.

For at least the foregoing reason, no combination of Ellis with Stumphauzer, which Applicants do not concede are even combinable, would have rendered obvious the combinations of all of the features recited in independent claims 1 and 13. Further, dependent claims 3-7 and 9-12 would also not have been rendered obvious for at least the dependence of these claims on independent claim 1, as well as for the separately patentable subject matter that each of these claims recites.

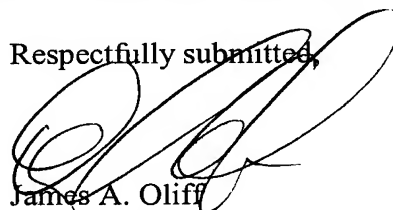
Accordingly, reconsideration and withdrawal of the rejections of claims 1, 3-7 and 9-13 are respectfully requested.

Applicants' representative presented the above arguments to Examiner Shepard during the January 26, 2010 telephone interview. Examiner Shepard agreed that amending the claims in the manner discussed during the interview may be helpful in overcoming the current rejections, but asserted that further consideration will be required upon submission of a formal response.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-7 and 9-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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